

REMARKS

The substitute specification accompanying this Amendment places the present application in better form. It includes subtitles, and it also includes further amendments to correct minor errors and to improve the form of the disclosure. Acceptance and entry of the substitute specification is respectfully requested.

A new abstract is attached, which deletes claim terms such as "comprising" and "means," and is intended to provide improved readability. Acceptance and entry of the new abstract is respectfully requested.

The drawings were objected to on the basis they failed to show a portion of the structure recited in claim 18. That claim has been amended to delete the structural element that was not shown in the drawings, thereby overcoming the drawing objection.

Claims 1 through 6 and 14 through 19 were rejected as indefinite. In that regard, each of those claims has been amended in an effort to conform them with U.S. practice and are believed now to be in definite form. New claim 20 has been added to recite one of the alternative pump structures that were previously contained in claim 17.

Claims 1 through 6 were rejected as anticipated by the Ueno '837 reference. Claim 1 has been amended to recite a unitary pressure supply unit and also to recite that the hydraulic-fluid-operated device is a continuously variable transmission. But because the Ueno reference discloses a system having two separate pumps (see Ueno. Col. 4, lines 12 and 13) and does not

disclose a continuously variable transmission, it does not anticipate the invention as it is claimed in amended claim 1 as hereinabove presented. Claims 2 through 6 depend from claim 1, either directly or indirectly, and therefore those claims also are not anticipated by the Ueno reference. Moreover, the dependent claims contain additional recitations that further distinguish the invention as so claimed from the disclosure contained in the Ueno reference.

Claims 1 through 3, 6, 14 through 16, and 19 were rejected as anticipated by the German '833 reference. However, that reference also teaches a system in which two separate pumps 4 and 5 are provided and it also does not anticipate the invention as it is claimed in amended claim 1. Claims 2, 3, 6, 14 through 16, and 19 depend from claim 1, either directly or indirectly, and therefore those claims also are not anticipated by the German '833 reference. Moreover, the dependent claims contain additional recitations that further distinguish the invention as so claimed from the disclosure contained in the German '833 reference.

Claims 1 through 4, 6, 14, and 15 were rejected as anticipated by the Kauss et al. '375 reference. That reference also teaches two separate pumps, a control pump 10 and an auxiliary pump 20, and relates to a power steering system, which differentiates the teachings of that reference from the invention as now claimed in amended claim 1 above. Claims 2 through 4, 6, 14, and 15 each depend from claim 1, either directly or indirectly, and therefore those claims also are not anticipated by the Kauss et al. '375 reference. Moreover, the dependent

claims contain additional recitations that further distinguish the invention as so claimed from the disclosure contained in the Kauss et al. '375 reference.

Claims 1 and 19 were rejected as anticipated by the Kronstadt '075 reference, but that reference also teaches two separate pumps, and thus the invention as claimed in claims 1 and 19 is not taught by the Kronstadt '075 reference.

Claims 16 and 17 were rejected as obvious based upon the Kauss et al. '375 reference. As noted above, however, that reference relates to a system having two pumps, not a unitary hydraulic pressure supply unit, and is disclosed in the context of a power steering system, not a continuously variable transmission. Accordingly, the invention claimed in claims 16 and 17 would not be obvious from the disclosures contained in the Kauss et al. '375 reference.

Claims 17 and 18 were rejected as obvious based upon the combination of the Kauss et al. '375 reference and the Hebisch et al. '975 reference. The shortcomings of the Kauss et al. 'reference are noted above. In connection with the Hebisch et al. reference, it also is directed to a power steering system, and although injector pump 5 of that reference was characterized as a resistor, it is in fact not a flow impeder or resistance, because an injector operates as a flow accelerator by drawing additional fluid into the pump inlet (see Hebisch et al., col. 1, lines 9 through 12 and lines 44 through 46). Additionally the Hebisch et al. reference discloses a single hydraulic fluid output flow, not a system having first and second hydraulic output fluid flows, as claimed in claim 1, from which each of claims 17 and 18 depend.

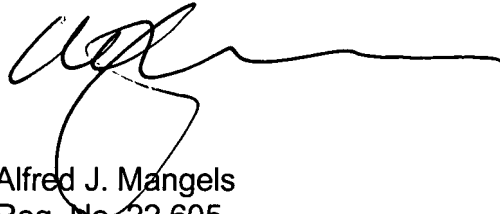
In addition to the distinctions noted above regarding the Kauss et al. and the Hebisch et al. references, there is no motivation in either of those references that would lead one of ordinary skill in the art to combine them. In that regard, it is not apparent which features of which reference are to be combined with which features of the other reference. In short, the references do not contain any suggestions concerning how they could be combined. Accordingly, the only motivation for combining the references in the manner the examiner has done is the disclosure of the present application. And to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of references that allegedly can be combined to render obvious that which only the inventor has taught is an improper basis for rejection.

Based upon the specification and claim amendments to this application, it is believed that the substitute specification and the amended claims conform with all formal requirements. And because of the several differences between the invention as claimed and the structures disclosed in the references relied upon, the claimed invention is neither anticipated by nor rendered obvious by the references relied upon by the examiner. Thus, based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early

Notice of Allowance.

Should the examiner have any question after considering this Amendment, he is cordially invited to telephone the undersigned attorney so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred J. Mangels', with a long horizontal flourish extending to the right.

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